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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,565	07/07/2000	Nobuhiko Maki	35.C14627	9229

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EXAMINER	
LEZAK, ARRIENNE M	
ART UNIT	**PAPER NUMBER**
2143	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/612,565	MAKI ET AL.	
	Examiner	Art Unit	
	Arrienne M. Lezak	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,7,8,11,13,21,22,29,31-41 and 44-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,7,8,11,13,21,22,29,31-41 and 44-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Examiner notes that Claims 1, 2, 4, 7, 8, 11, 21, 22, 29, 31, 32, 35-37, 39-41 & 44 have been amended, Claim 45-49 has been added, and Claims 42 & 43 have been cancelled. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 8 June 2005.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 4, 7, 8, 11, 13, 21, 22, 29, 31-41 & 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over extensive consideration of US Patent 6,460,030 B1 to Ludtke in view of US Patent US 6,260,063 B1 to Ludtke/Kawamura in further view of US Patent 5,261,044 to Dev.

3. Regarding Claims 1, 7, 11, 21, 29, 39-41 & 44, Ludtke discloses a network system, method, apparatus and computer-readable medium comprising a sever, a client and a device, said server, said client and said device being connected to a network, (Abstract; Fig. 5A-5D; Col. 1, lines 64-67; Col. 2, lines 1-2; and Col. 12, lines 1-47);

- said server comprising: first storage means for storing position information indicating the position of said device and a network address, (identifier), of said device; (Col. 12, lines 1-47 – (command structure); Col. 13, lines 8-39 – (identifier); Col. 21, lines 60-67; and Col. 22, lines 1-44);
    - first transmission unit, for transmission of position information and the network address stored by said first storage unit to said client via the network, (Col. 12, lines 1-47 – (command structure));
- said device comprising: second storage means for storing icon data indicating the device, (Fig. 5D; Col. 12, lines 1-47 – (descriptive data); Col. 21, lines 60-67; Col. 22, lines 1-44);
    - control means for transmitting said icon data to said client via the network, (Col. 4, lines 40-54 and Col. 12, lines 1-47 - (command structure and descriptive data));
- said client comprising: a first reception unit, adapted to receive the position information and the network address transmitted by said first transmission unit via the network, (Fig. 5D and Col. 12, lines 1-47 - (command structure));
    - a second transmission unit, adapted to transmit a request to a device based on the network address received by the first reception unit so as to acquire the icon data stored in the second storage unit from the device via the network, (Fig. 5D and Col. 12, lines 1-47 - (command structure and descriptive data));

- a second reception unit, adapted to receive the icon data transmitted by the control unit via the network, (Fig. 5D and Col. 12, lines 1-47 - (descriptive data)); and

- multiple display means adapted to display, (in characters – per pending Claims 39-41), the position of the device defined by the position information received by the first reception unit and the icon indicated by the icon data received by the second reception unit, (Col. 2, lines 2-30; Fig. 5D; Col. 12, lines 1-67 - (command structure and descriptive data); and Col. 13, lines 1-5), (Examiner notes that the use of multiple display means would have been obvious as it quite common for an individual to have multiple monitors or a single monitor capable of multiple concurrent displays, wherein the display means are obviously capable of displaying any data available on the system. Additionally, division of a display is well-known for receipt of information from multiple sources, (i.e.: frames, maps)).

4. Examiner notes that Ludtke specifically discloses a response format which may include the data address, object position, object identifier and a list (type) containing the object, all of which satisfy a search criterion, (Col. 12, lines 1-47 – (command structure); Col. 21, lines 60-67; and Col. 22, lines 1-44), which search criterion obviously enumerates the specific needs of the user, and which response is obviously based upon resource status. In other words, Examiner notes that Ludtke returns information which fulfills user need, (as a response containing unavailable resources would not fulfill user

need, and thus, such a response would obviously not be returned once it was determined that the resource status was not in compliance with user need/search criteria), and therefore by default, the Ludtke response obviously, (if not inherently), indicates resource availability/status.

5. Additionally, Examiner notes that as Ludtke discloses a response using (types of) list(s) of network devices satisfying search criteria, the use of a hierarchical structure, (i.e.: ADSI accessing LDAP), for said lists is well known in the art and obvious, (if not inherent), to computer/network navigational systems. As the response contains a means, (list), by which a device may be located within a computer network, such a response would obviously, (if not inherently), be in hierarchical form. Moreover, Examiner notes that Ludtke discloses the use of an object identifier, which identifier within a computer network is well known to obviously, (if not inherently), take the form of an icon for ease in identification via graphic/textual representation.

6. Examiner further notes that though Ludtke teaches position information, (descriptive data/ network address), Examiner additionally cites another Ludtke/Kawamura patent, (hereinafter, for ease in identification, "Kawamura"), which patent specifically enumerates position information (in a hierarchical manner – per pending Claim 44), within a network, within lists, which lists detail available object services and statuses, (Kawamura – Abstract & Col. 7, lines 11-64). The motivation to combine the two Ludtke references is clear in that the same inventor created both and would obviously have means by which to combine the technology. Additionally, Examiner notes that the Ludtke reference specifically incorporates the teachings of the

Kawamura reference, (Ludtke – Col. 13, lines 8-16). Finally, the Kawamura reference clearly enumerates a need for uniformly representing the available devices, (within a network of devices), as well as their capabilities and the available information and services which can be provided by those devices, (Kawamura – Col. 1, lines 61-65).

7. Finally, Examiner notes that though Ludtke distinctly teaches a response format inclusive of address information, position information and media object identifier, (Ludtke – Claims 1-11), wherein position information obviously comprises geographical information and a media object identifier could obviously be an iconic visual representation of the device. That noted, Examiner additionally cites the Dev reverence, which specifically teaches a "network management system using multifunction icons for information display, (Dev - Abstract). Moreover, the Dev displays include hierarchical location views and topological views of the network configuration with network devices being represented on the displays by multifunction visually representative icons displayed upon a display unit, (Dev – Figs. 1-10; Col. 1, lines 12-67; Col. 2; Col. 3, lines 1-27; Co. 6, lines 4-6; Col. 13, lines 23-67; Col. 14, lines 1-14; & Claims 1-23).

8. It would have been obvious to incorporate the Dev display functionality into the Ludtke network, as Ludtke specifically teaches a response format comprising a position of an object of media and an identifier of an object of media, (Ludtke – Claims 1-11), and the Dev displays include hierarchical location views and topological views, (position information), of the network configuration with network devices being represented on the displays by multifunction icons, (identifier information). Additionally, as noted within

Ludtke, the specific views and icons provided by Dev would serve to facilitate the finding, accessing and retrieving data (or services – per Dev), from one or more of the target devices, (Ludtke – Col. 2, lines 39-54), in addition providing a network management system wherein common problems can be detected, isolated and repaired automatically, (Dev – Col. 1, lines 61-67). Thus, Claims 1, 7, 11, 21, 29, 39-41 & 44 are found to be unpatentable over the combined teachings of Ludtke, Kawamura and Dev.

9. Regarding Claims 2, 8, and 22, Ludtke, Kawamura and Dev are relied upon for those teachings disclosed herein. Ludtke further discloses a network system with a client further comprising: a third storage means for storing map data corresponding to position information, wherein the 1st display means selects the map data from the third storage means based on the received position information, and the 2nd display means displays the icon in accordance with the selected map data, (Col. 2, lines 2-30; Col. 9, lines 66-67; and Col. 10, lines 1-5; Fig. 5D and Col. 12, lines 1-47). As noted above, the use of multiple display means is well-known and as such not patentably distinct. Thus, Claims 2, 8, and 22 are found to be unpatentable over the combined teachings of Ludtke, Kawamura and Dev.

10. Regarding Claim 4, Ludtke, Kawamura and Dev are relied upon for those teachings disclosed herein. Ludtke further discloses a network system wherein the device comprises a judgment unit, adapted to judge the status of a device, the second storage unit stores a plurality of icon data each of which corresponds to the status of said device status, and said control unit selects the icon data in accordance with the judged status from the plurality of stored icon data and transmits the selected icon data

to client, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claim 4 is found to be unpatentable over the combined teachings of Ludtke, Kawamura and Dev.

11. Regarding Claims 11 & 13, Ludtke, Kawamura and Dev are relied upon for those teachings disclosed herein. Ludtke further discloses a device for processing a job requested via a network, comprising:

- first storage means for storing hierarchical position information indicating the position of said device in a plurality of hierarchical layers, (Col. 12, lines 1-47; Col. 21, lines 60-67; and Col. 22, lines 1-44);

- second storage means for storing a plurality of icon data indicating the device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67; Col. 22, lines 1-44);

- a judgment unit, adapted to judge the status of the device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44).

- a selection unit, adapted to select icon data indicating the status judged by the judgment unit from among the plurality of icon data stored in said second storage unit, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44); and

- control unit adapted to transmit the icon data selected by said selection unit via the network, (Col. 4, lines 40-54 and Col. 12, lines 1-47), in response to a request from another device on the network, (per pending newly amended Claim 13), (Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claims 11 & 13 are found to be unpatentable over the combined teachings of Ludtke, Kawamura and Dev.

12. Regarding Claims 31 & 35, Ludtke, Kawamura and Dev are relied upon for those teachings disclosed herein. Ludtke further discloses a system and method wherein the client further comprises a processor unit adapted to process the received position information to identify a device corresponding to the received position information, and wherein the second transmission unit transmits the request to the identified device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claims 31 & 35 are found to be unpatentable over the combined teachings of Ludtke, Kawamura and Dev.

13. Regarding Claims 32 & 36, Ludtke, Kawamura and Dev are relied upon for those teachings disclosed herein. Ludtke further discloses a system and method wherein the position information indicates at least two areas in which the device is located, a first one of the areas being included within another of the at least two areas, (Col. 2, lines 15-30; Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claims 32 & 36 are found to be unpatentable over the combined teachings of Ludtke, Kawamura and Dev.

14. Regarding Claims 33 & 37, Ludtke, Kawamura and Dev are relied upon for those teachings disclosed herein. Ludtke further discloses a system and method wherein said client further comprises a third transmission unit adapted to transmit a request to a device corresponding to the received position information so as to acquire a status of the device, and wherein the second reception unit receives the icon data corresponding to the status of the device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22,

lines 1-44). Thus, Claims 33 & 37 are found to be unpatentable over the combined teachings of Ludtke, Kawamura and Dev.

15. Regarding Claims 34 & 38, Ludtke, Kawamura and Dev are relied upon for those teachings disclosed herein. Ludtke further discloses a system and network wherein said client further comprises a third transmission unit adapted to transmit a request to said server so as to search for a desired device, and wherein the first reception unit receives the position information as a response to the request transmitted by the third transmission unit, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Thus, Claims 34 & 38 are found to be unpatentable over the combined teachings of Ludtke, Kawamura and Dev.

16. Regarding Claims 45-49, Ludtke, Kawamura and Dev are relied upon for those teachings disclosed herein. Dev further discloses wherein the position information defining the geographical location of said device comprises information selected from the group consisting of (a) information defining which of plural companies' facility said device is in, (b) information defining which of plural cities said device is in, (c) information defining which of plural building said device is in, (d) information defining which of plural floors of a building said device is on, and (e) information defining which of plural locations on a floor said device is in, (Figs. 1-10; Col. 13, lines 23-67; & Col. 14, lines 1-14). Thus, Claims 45-49 are found to be unpatentable over the combined teachings of Ludtke, Kawamura and Dev.

Response to Arguments

17. Applicant's arguments filed 7 March 2006, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

18. Ludtke discloses the display of menu, (list), information to the user, (Col. 7, lines –31), and a communication command structure between controller and target devices, (Figs 4A-4D; Col. 10, lines 40-67; and Col. 11), as well as a communication command structure between controller, proxy and target devices, (Figs. 5A-5D; Col. 12; Col. 13, lines1-5; and Claims 1-42). Specifically, Examiner notes that Ludtke discloses "the proxy device directing the target device to transfer the media object described by the descriptive data", (Col. 12, lines 45-47), which reads upon "based on the (hierarchical) position information received by the first reception unit, (the proxy/server), (the controller/client) displaying the icon indicated by the data received by the second reception unit, (device)". Further, Examiner notes that Ludtke satisfies Applicant's need for the client to receive the (hierarchical) position information from the (proxy) server, and receive icon data for a device corresponding to the (hierarchical) position information from the other information (device) processor. Additionally, Examiner notes that based on the teachings of Ludtke, it would have been obvious to combine the controller/device communication with the controller/proxy/device communication

whereby the controller requests icon information directly of the device after receipt of descriptive information from the proxy. Such modified communication would have been obvious to one of ordinary skill in the art at the time of invention by Applicant as a means for improving overall network performance, (Abstract), wherein the proxy would then be "freed up" to respond to other user requests.

19. Regarding Applicant's argument that Ludtke fails to disclose multiple display units, hierarchical position information and icon data, Examiner respectfully disagrees as noted herein above relative to Claim 1, Examiner finds the use of multiple display means to be obvious. Additionally, Examiner notes that Ludtke specifically enumerates a response format for the identifier, which response format includes object positions and object identifier, (Claims 1-42), and which identifier when transmitted to the requestor would obviously be displayed such that the requestor would be able to identify and interact with the same. Moreover, Examiner notes that the status of data is obviously judged when executing a search, as noted herein above, Ludtke returns information which fulfills user need, (as a response containing unavailable resources would not fulfill user need, and thus, such a response would obviously not be returned once it was determined that the resource status was not in compliance with user need/search criteria), and therefore by default, the Ludtke response obviously, (if not inherently), indicates resource availability/status. Finally, as noted herein above, the combined teachings of Ludtke and Kawamura clearly teaches hierarchical network object position information, within lists, which lists detail available object services and statuses, (Kawamura – Abstract & Col. 7, lines 11-64).

20. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "network address information is typically a series of numbers which indicates what other element(s) of the network system the device is connected to and the information indicating the geographical location of the device indicates the cubicle, room, floor, building, city and/or country, etc., where the device is installed") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner notes that Claims 45-49 include a "geographical location" definition; however, no claim language defines a network address in light of a geographic location. That noted, Examiner has added the Dev reference, which in combination with the Ludtke and Kawamura references, clearly and obviously teaches Applicant's claimed invention, in its entirety, rendering the same unpatentable.

21. Thus, as Examiner has completely addressed Applicant's amendment, and finding Applicant's arguments do not show how Applicant's amendment avoids such references or objections, Examiner hereby maintains the rejection of all claims, (original, amended and newly presented), in their entirety.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

23. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
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AML

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